

JOYCE C. LONDON, P.C.
Attorney at Law
59 Maiden Lane
Sixth Floor
New York, New York 10038

Tel: 212: 964-3700
Email: jlondonlaw@aol.com

Fax: 212: 566-7501

April 4, 2017

By ECF

Honorable Dora L. Irizarry
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Charles Thomas,
16 Cr 50 (DLI)

Dear Judge Irizarry:

This letter is to request, *nunc pro tunc*¹ an extension of time within which to file motions challenging the newly added Count Three of the above-referenced superseding indictment.

At the arraignment on the superseding indictment held on March 13, 2017, I advised the Court that I wished to file a “Johnson” motion to dismiss Count Three which charges the possession and brandishing of a firearm in furtherance of the Hobbs Act robbery conspiracy and substantive Hobbs Act robbery charged in Counts One and Two. Since the original indictment charged a weapons possession/brandishing count in which defendant Thomas was not named, the Court also agreed at this conference to inspect the grand jury minutes with regard to the presentation of the 924(c) evidence underlying both the original and superseding indictments. If, in fact, a viable motion could be made with respect to these presentations, then all defense motions were to be made by April 3, 2017. At the end of last week I contacted the Court regarding an update on the grand jury minutes and was advised by Your Honor’s deputy that they were still under review and that the Court would file a “notice” or “remark” on ECF when that review was completed.

I am therefore requesting an extension of time within which to file motions relating to the newly added 924(c) charge in Count Three. If there are no motions other than the “Johnson”

¹ Motions on behalf of Mr. Thomas were due yesterday, April 3, 2017. This request for an extension of time is made *nunc pro tunc* as I had unexpected family obligations yesterday afternoon and evening and was unable to write the letter.

Hon. Dora L. Irizarry

April 4, 2017

motion, I respectfully request an extension of time of two days after the Court's filing the "remark" or "notice" regarding the grand jury minutes. If there are supplemental motions, then I respectfully request a period of two weeks following the Court's notification regarding the grand jury minutes.

I have discussed this application with Assistant United States Attorney who does not object to my having an additional two days to file the Johnson motion on behalf of Mr Thomas but does not believe that there are any other meritorious motions to dismiss Count Three.

Accordingly, it is respectfully requested that the Court grant *nunc pro tunc*, an extension of time for the filling of motion(s) to dismiss Count Three in accordance with the schedule proposed above.

Very truly yours,

/s/

Joyce C. London

cc.: AUSAs Alexander Mindlin & Tarsha Philipbert (By ECF and By Email)